

**SUMMARY OF LOCAL RULES ADDRESSING MEDIATION,
ARBITRATION AND SETTLEMENT WITHIN THE THIRD CIRCUIT**

Court	Local Rule No.	Scope
Court of Appeals	33.0	Governs the appellate mediation program, including: - eligibility for participation in program - initial screening - proceedings - confidentiality
District of DE	16.2(b)(3)	One of the subjects that will be addressed during the initial case conference (scheduling conference) is settlement.
	16.2(d)	Requires counsel to meet before the initial case conference (scheduling conference) to discuss settlement and certify to the court that they have done so.
	16.4(d)(12)	Requires the pretrial order to include a certification that good faith efforts have been made at settlement.
Bankruptcy DE	no local rules	
District of NJ	Civ. R. 16.1(a)(4)	Allows the magistrate judges to conduct settlement conferences.
	Civ. R. 201.1	Governs arbitration proceedings, including: - certification and compensation of arbitrators - criteria for and exceptions to compulsory arbitration - arbitration by consent - procedures for requesting a trial de novo
	Civ. R. 301.1	Governs mediation proceedings, including: - designation and compensation of mediators - actions eligible for mediation
Bankruptcy NJ	D.N.J. LBR 9012-2	Governs mediation proceedings, including: - eligibility and compensation of mediators - criteria for referral to mediation - preparation for and attendance at mediation sessions
District of EDPA	16.1(d)(2)(a)	All counsel must hold a conference to attempt to resolve any disagreements involving the contents of the proposed pretrial order.
	16.1(d)(3)	Requires counsel to attend final pretrial conference and be authorized to make binding decisions regarding settlement or be able to obtain that authority on the telephone during the conference.

Court	Local Rule No.	Scope
	53.2	Governs arbitration, including: <ul style="list-style-type: none"> - certification and qualifications of arbitrators - compensation of arbitrators - cases eligible for arbitration (including adversary bankruptcy proceedings) - arbitration trial proceedings - requests for and conduct of trial de novo
	53.2.1	Governs court annexed mediation, including: <ul style="list-style-type: none"> - certification and qualification of mediators - service as mediator is pro bono service - cases eligible for mediation - scheduling of mediation sessions - confidentiality of mediation proceedings
	83.6.1	Requires attorneys to promptly notify clerk of settlement or final disposition of case.
	NOTE	We also have relevant sections of Clerk's Office Procedural Handbook
Bankruptcy EDPA	7016-1(b)(10)	Requires the pretrial statement to include a certification that the parties have attempted good faith settlement discussions without success.
	7041-2	After parties notify courtroom deputy that an adversary proceeding or contested matter has settled, the parties must file necessary stipulations and motions within 30 days or in its discretion the court may dismiss the adversary proceeding or contested matter.
	9019-1	If a proponent of a settlement seeks court approval without notice to those specified in F.R.B.P. 9019 & 2002, the proponent shall state why notice is not necessary.
	9019-3	Governs mediation, including: <ul style="list-style-type: none"> - certification and qualifications of mediators - compensation of mediators - confidentiality of proceedings - scheduling of mediation
District of MDPA	16.2	Requires at least one attorney with authority to settle case or one other person who has authority to settle to attend the initial case management and final pretrial conferences or be available by telephone.
	16.3(b)	Requires attorneys to meet prior to final pretrial conference to discuss settlement, among other things. It is plaintiff's duty to initiate settlement discussions and report on these discussions to the court.

Court	Local Rule No.	Scope
	16.7	Enumerates types of alternative dispute resolution methods available and allows judge to assign civil case to one method after considering parties' objections.
	16.8	Governs Court-Annexed Mediation Program, including: <ul style="list-style-type: none"> - certification and qualification of mediators - mediation is pro bono service to court - cases eligible for mediation - scheduling
	16.9	Governs Settlement Officer Program
	83.3.2	Court may impose costs on party or attorney who acted in bad faith or failed to exercise reasonable diligence in effecting settlement.
	App. B Joint Case Management Plan	Sec. 2.0 requires information on ADR Sec. 8.0 requires certification of settlement authority
	App. C Pretrial Memorandum	Sec. N requires defense counsel to file a statement that the person or committee with settlement authority has been notified of requirements and possible sanctions in Local Rule 16.2.
	NOTE	Proposed amendments were circulated for public comments in May. Changes proposed to Local Rules 16.3, 16.6, 16.8.4, 16.8.5, 16.8.6, 16.9.4
Bankruptcy MDPA Northern Tier	7072	Requires necessary stipulations to effectuate settlement to be filed within 30 days of notifying clerk of settlement.
	9019-1	Governs mediation, including: <ul style="list-style-type: none"> - cases eligible for mediation - certification and qualifications of mediators - service as mediator is pro bono - scheduling - confidentiality
	9019-2	Permits a matter to be referred to a neutral evaluator.
	9019-3	Permits use of other forms of mediation.
Bankruptcy MDPA Harrisburg Division	Misc. Order 98-04	Establishes mediation program, including: <ul style="list-style-type: none"> - qualifications of mediators - service as mediator is pro bono - applies provisions of local district court rules to bankruptcy court

Court	Local Rule No.	Scope
District of WDPA	16.1.1.C	Requires person attending each case management conference to have authority to discuss settlement.
	16.1.1.E	Provides for no initial case management conferences in specific types of cases, including cases referred to arbitration pursuant to Local Rule 16.2.
	16.1.2.A.7	Provides that the case management order may include the designation of the case for arbitration, mediation, appointment of a special master or other special procedure.
	16.1.2.D	Requires judge to advise parties of provisions of Local Rule 16.2 regarding voluntary arbitration.
	16.1.4.E.4	During pretrial conference, judge shall inquire whether counsel have discussed settlement.
	16.2	Governs voluntary arbitration, including: <ul style="list-style-type: none"> - eligibility and compensation of arbitrators - cases eligible for arbitration - opt-out and exemption provisions - scheduling and conduct of trial - permits preparation of transcript or recording of arbitration trial - request for trial de novo
	16.3	Governs mediation and neutral evaluation, including <ul style="list-style-type: none"> - eligibility of adjunct settlement judge - service is pro bono - all civil cases are eligible for program - scheduling - parties themselves required to attend - proceedings are confidential
	17.1	Requires settlement of matters including a minor to be approved by judge and sets forth procedures.
	17.2	Requires settlement of matters involving seamen to be approved by judge and sets forth procedures.
	37.1	Court will not hear discovery disputes unless attorneys submit a statement that they were unable to reach an agreement.
Bankruptcy WDPA	7016.1. J	Requires attorney to have authority to settle case at final pretrial conference or have clients present.
	7037.1.F	Requires attorneys to meet to resolve discovery disputes before filing motions with court.

Court	Local Rule No.	Scope
District of VI	3.2	Governs mediation, including: - cases eligible for mediation - ability of parties to opt-out - responsibilities of mediator - confidentiality and non-disclosure proceedings - selection, qualifications and compensation of mediators
	16.1(c)	Requires parties to meet to prepare Joint Final Pretrial Order.
	37.1	Requires attorneys to meet to resolve discovery disputes.
	72.1(4)(B)	Authorizes magistrate judges to conduct pretrial settlement conferences.
Bankruptcy VI	7016.1.J	Requires attorney to have authority to settle case at final pretrial conference or have clients present or available by phone.